



# Texas State Board of Acupuncture Examiners

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August 18, 1997

RQ 988  
Honorable Dan Morales  
Attorney General of Texas  
P.O. Box 12548  
Austin, Texas 78711-2548

FILE # 39701-27  
I.D.# 39701

RECEIVED

AUG 19 1997

Opinion Committee

Re: Request for Attorney General Opinion.

Dear Attorney General Morales:

An Attorney General Opinion is respectfully requested under the authority of Section 22 of Article IV of the Texas Constitution and Sections 402.041 through 402.045 of the Texas Government Code. An opinion is requested concerning licensed chiropractors performing acupuncture.

On September 15, 1995, the Acupuncture Board requested an Attorney General opinion in response to a letter of concern. I have attached a copy of that request for your review. On September 23, 1996, you issued Opinion No. DM-415 in response to that request. I have also attached a copy of that opinion for your review.

In Opinion No. DM-415, you suggested that article 4512b, Section 1, which authorizes a chiropractor to perform only nonsurgical, nonincisive procedures, does not authorize a chiropractor to practice acupuncture. In Senate Bill 361, the Texas Legislature amended the definition of acupuncture contained in article 4495b, Section 6.02. That definition change takes effect on September 1, 1997, and provides as follows:

"Acupuncture means...the *nonsurgical, nonincisive* insertion of an acupuncture needle and the application of moxibustion to specific areas of the human body as a primary mode of therapy to treat and mitigate a human condition..."

In response to this statutory change, the Texas State Board of Acupuncture Examiners received an additional letter of concern dated June 23, 1997. I have attached a copy of that letter hereto for your records. As you can see, the Board has again been asked to determine whether the practice of acupuncture is within the scope of practice for a licensed Texas chiropractor.

Based on the concerns raised in the enclosed correspondence and the significance of the issues involved, I have been directed by the Texas State Board of Acupuncture Examiners to once again request an attorney general opinion to definitively resolve this question. If additional information is

needed, please contact the Acupuncture Board's acting General Counsel, Ms. Courtney Newton, at (512) 305-7081.

Sincerely,

  
Bruce A. Levy, M.D., J.D.  
Executive Director

Enclosure

xc: Texas State Board of Acupuncture Examiners  
Texas State Board of Chiropractic Examiners